

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ROBERT SCATURO, SCOTT BUBNICK, JOSEPH DAVIDOV, STEVEN MARDAKHAEV, AND JONATHAN MADAR, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

FANATICS, INC.; FANATICS, LLC; FANATICS COLLECTIBLES INTERMEDIATE HOLDCO, INC.; FANATICS SPV, LLC; MAJOR LEAGUE BASEBALL; MAJOR LEAGUE BASEBALL PROPERTIES, INC.; MAJOR LEAGUE BASEBALL PLAYERS ASSOCIATION; MLB PLAYERS, INC.; NATIONAL FOOTBALL LEAGUE; NFL PROPERTIES LLC; NATIONAL FOOTBALL LEAGUE PLAYERS ASSOCIATION; NFL PLAYERS, INC.; NATIONAL BASKETBALL ASSOCIATION; NBA PROPERTIES, INC.; NATIONAL BASKETBALL ASSOCIATION PLAYERS ASSOCIATION; AND ONETEAM PARTNERS LLC,

Defendants.

Case No. 25-cv-02202-LTS-VF

(Oral Argument Requested)

**DEFENDANTS NATIONAL BASKETBALL ASSOCIATION AND NBA PROPERTIES, INC.'S NOTICE OF MOTION TO DISMISS THE CLAIM AGAINST THEM IN COUNT FIVE OF THE FIRST AMENDED CLASS ACTION COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, Defendants National Basketball Association and NBA Properties, Inc. (together, the “NBA”), by and through their undersigned counsel, move this Court, before the Honorable Laura T. Swain, in Courtroom 17C of the United States District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, for an order pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) dismissing with

prejudice the claim asserted against the NBA in Count Five of the First Amended Class Action Complaint in this action (ECF No. 103).

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule A(2)(b)(ii) of this Court's Individual Practices, the NBA certifies that it has used its best efforts to resolve informally the matters raised in this Motion to Dismiss and accompanying Memorandum of Law. During a telephonic discussion on July 23, 2025, Plaintiffs informed the NBA that they do not wish to amend further the claim asserted against the NBA in the First Amended Class Action Complaint.

PLEASE TAKE FURTHER NOTICE that Plaintiffs shall file any opposition papers by October 10, 2025, and the NBA shall file any reply papers by November 10, 2025, as previously stipulated by the parties and ordered by the Court (ECF No. 113).

Dated: July 28, 2025  
New York, New York

Respectfully submitted,

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